United Nations A/63/639/Add.1

General Assembly

Distr.: General
31 March 2009

Original: English

Sixty-third session
Agenda item 123

Human resources management

Report of the Fifth Committee

Rapporteur: Mr. Patrick **Chuasoto** (Philippines)

I. Introduction

1. The previous recommendation made by the Fifth Committee to the General Assembly under agenda item 123 appears in the report of the Committee contained in document A/63/639.

2. The Fifth Committee resumed its consideration of the item at its 33rd and 39th meetings, on 13 and 27 March 2009. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/63/SR.33 and 39).

3. For its further consideration of the item, the Committee had before it the report of the Secretary-General on amendments to the Staff Regulations (A/63/694) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/63/754).

II. Consideration of draft resolution A/C.5/63/L.35

4. At its 39th meeting, on 27 March 2009, the Committee had before it a draft resolution entitled "Amendments to the Staff Regulations" (A/C.5/63/L.35), submitted by the Chairman of the Committee on the basis of informal consultations coordinated by the representative of the Netherlands.

5. At the same meeting, the Committee adopted draft resolution A/C.5/63/L.35 without a vote (see para. 6).

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III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Amendments to the Staff Regulations

The General Assembly,

Recalling its resolutions 59/266 of 23 December 2004, 61/244 of 22 December 2006, 62/248 of 3 April 2008 and 63/250 of 24 December 2008,

Having considered the report of the Secretary-General on amendments to the Staff Regulations[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

1. *Takes note* of the report of the Secretary-General on amendments to the Staff Regulations;[1]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[2] subject to the provisions of the present resolution;

3. *Approves* the amendments to the Staff Regulations as contained in the report of the Secretary-General, subject to the provisions of the present resolution and the additional modifications contained in the annex hereto;

4. *Reaffirms* section II of its resolution 63/250;

5. *Stresses* that staff regulation 4.5 (b) does not prejudice the possibility of renewal of a temporary appointment, taking fully into account the provisions of paragraph 7 of section II of its resolution 63/250;

6. *Also stresses* that staff regulation 4.4 shall not preclude consideration of external candidates in filling vacant positions under conditions defined by the Secretary-General in accordance with Article 101.3 of the Charter and the relevant provisions of its resolutions;

7. *Emphasizes* that the change of the term "personnel" to the term "human resources" in the scope and purpose of the Staff Regulations, as well as in regulations 8.1 and 8.2, is strictly to harmonize the language of the Staff Regulations with the current terminology in effect at the United Nations;

8. *Reaffirms* that staff members who were recruited through the national competitive examinations and language competitive examinations and holding probationary appointments as at 30 June 2009 will be considered for conversion to permanent appointments upon successful completion of their probationary appointments on or after 1 July 2009;

9. *Emphasizes* that nothing in the regulations approved in the present resolution and the annex to it precludes persons with disabilities from being

[1] A/63/694.
[2] A/63/754.

considered for employment under any type of contract in full compliance with the Charter, in particular Article 101.3;

10. *Recalls* paragraph 4 of section II of its resolution 63/250 and stresses that the implementation of the part of the new staff regulation 4.5 concerning conversion to continuing appointments shall require further decisions by the General Assembly on the criteria for eligibility;

11. *Also recalls* paragraph 2 of section I of its resolution 63/250 and stresses the importance of a meaningful and constructive dialogue between staff and management to overcome differences;

12. *Requests* the Secretary-General to report to it at its sixty-fourth session on the full implications of converting all currently eligible staff to permanent appointments, including the financial impact and the effects on workforce management;

13. *Also requests* the Secretary-General to submit a report to the General Assembly at its sixty-fifth session regarding the status of the review of staff members eligible for consideration as at 30 June 2009 for a permanent appointment;

14. *Further requests* the Secretary-General to ensure that the Staff Rules and related administrative issuances derived from the Staff Regulations comply with the provisions of its relevant resolutions;

15. *Requests* the Secretary-General to report on the provisional new Staff Rules for its consideration at the main part of its sixty-fourth session.

Annex

Additional modifications to the amendments to the Staff Regulations

Regulation 4.5

(c) A fixed-term appointment does not carry any expectancy, legal or otherwise, of renewal or conversion, irrespective of the length of service;

Regulation 9.3

(a) The Secretary-General may, giving the reasons therefor, terminate the appointment of a staff member who holds a temporary, fixed-term or continuing appointment in accordance with the terms of his or her appointment or for any of the following reasons:

(vi) In the interest of the good administration of the Organization and in accordance with the standards of the Charter, provided that the action is not contested by the staff member concerned;

(b) In addition, in the case of a staff member holding a continuing appointment, the Secretary-General may terminate the appointment without the consent of the staff member if, in the opinion of the Secretary-General, such action would be in the interest of the good administration of the Organization, to be

interpreted principally as a change or termination of a mandate, and in accordance with the standards of the Charter;

(d) The Secretary-General may, where the circumstances warrant and he or she considers it justified, pay to a staff member terminated, provided that the termination is not contested, a termination indemnity payment not more than 50 per cent higher than that which would otherwise be payable under the Staff Regulations.

Annex I
Salary scales and related provisions

6. The Secretary-General shall fix the salary scales for staff members in the General Service and related categories, normally on the basis of the best prevailing conditions of employment in the locality of the United Nations Office concerned, provided that the Secretary-General may, where he or she deems it appropriate, establish rules and salary limits for payment of non-resident allowance to General Service staff members recruited from outside the local area. The gross pensionable remuneration of such staff shall be determined in accordance with the methodology specified in article 54 (a) of the Regulations of the United Nations Joint Staff Pension Fund and are shown in the salary scales applicable to such staff.

Annex II
Letters of appointment

(viii) That a fixed-term appointment does not carry any expectancy, legal or otherwise, of renewal or conversion, irrespective of the length of service;